

Case No. 18-32608-tmb 7

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CASE NO 18-03114-TMB
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Warren Heater
Plaintiff

v.

Dana Leonard Popick and Kimberly Cae Popick
Defendants

Warren Heater's trial brief in support of his Motion for Summary Judgement

Warren Heater acting as his own attorney respectfully submits this Motion for Summary Judgment because Dana Leonard Popick and Kimberly Cae Popick breached their fiduciary duty after entering into agreements with Warren Heater to develop property with Warren Heater that was never completed due to misuse of loans borrowed from various lenders by cross collateralizing these loans. Defendants formed many Limited Liability Companies (LLC'S), Deeds of TRUST, Quick Claim Deeds to move monies for various developments that where not in any agreements which were signed by both Plaintiff and Defendants. Defendants which will be confirmed by witnesses took a very long time to start project and interest/penalties from loans where on average approximately \$270.00 per day for EACH lot (six (6) total). Monies borrowed where also taken to fund Trust fund(s) that defendants removed. The Variable Promissory Note with interest payments attached and signed by both the Plaintiff and Defendants is the same as if Plaintiff owned a STOCK that paid dividends and Plaintiff ask the court for judgement to confirm same.

Plaintiffs signed over lots on project to lender even though the signed side agreement (Notes from Juneau View Project meetings) state on number 19 ' EVD may not assign or otherwise transfer interest in this development. WH (Warren Heater) may assign or transfer INTEREST IN THIS DEVELOPMENT'

Witnesses to testify to the facts about how the project became a joint agreement and how the in the Variable Promissory Note various items where included such as ATTORNEY FEES and BANKRUPTCY ('Borrower will NOT be discharged even if this Note has been canceled, renounced or surrendered') Witnesses also to testify that Defendants had funds that were meant for the project diverted into trust account(s). Witnesses will also testify about Defendant (Dana Popick) who ran all projects for Emerald Valley Development's misuse of materials/employee labor/sub-contractors.

Signed



Warren Heater

10/24/19